

Federal Defenders OF NEW YORK, INC.

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director
and Attorney-in-Chief

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

August 29, 2023

By ECF

Hon. Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Application granted.

SO ORDERED.



Ronnie Abrams, U.S.D.J.
August 30, 2023

Dear Judge Abrams:

I write to request that the Court order early termination of Albert Jimenez-Gonzalez's supervised release. During the over 2½ years he has been under supervision following his non-violent drug conviction, Mr. Jimenez has had no violations. Currently on the low intensity caseload, Mr. Jimenez has worked consistently, completed drug treatment, pursued further education, and become engaged to his fiancée, a speech pathologist. He has also maintained the love and support of his family members, all of whom have observed exceptional changes in him.

Given Mr. Jimenez's remarkable success under supervision, early termination would be consistent with the 18 U.S.C. § 3553(a) factors and would further the interest of justice. I have consulted with Probation and the government, and neither objects to this request.

Legal Standard

After considering the relevant 18 U.S.C. § 3553(a) sentencing factors, a court may "terminate a term of supervised release and discharge the defendant . . . any time after the expiration of one year of supervised release," if it "is satisfied that such action is warranted by the conduct of the defendant" and is in "the interest of justice." 18 U.S.C. § 3583(e)(1).

Discussion

Albert Jimenez-Gonzalez was born in the Dominican Republic in 1993. Mr. Jimenez's mother abandoned him when he was just a few months old, and his father was not a consistent presence in his life. Instead, Mr. Jimenez was raised in poverty by Maria Rodriguez, a hairdresser who loved him like one of her own children. He did not learn the truth about his birth mother's abandonment until he was a teenager, a revelation that was emotionally traumatizing.

Brought to the United States as a child, Mr. Jimenez became a citizen, graduated high school, and completed one year of community college. He ultimately left college so he could get a job and financially support his loved ones. Although he worked various odd jobs, he struggled to make ends meet.

In April 2019, at just 26 years old, Mr. Jimenez waived his right to indictment and pled guilty to an information charging him with conspiracy to sell narcotics. The charges arose out of Mr. Jimenez's participation in several street-level drug sales to a confidential informant working with the DEA. Mr. Jimenez took responsibility for his actions and participated in a safety valve proffer with the government.

At his August 2019 sentencing, more than 24 family members and friends came to court to show their support for Mr. Jimenez, many of whom had submitted letters on his behalf. The Court acknowledged Mr. Jimenez's remarkable family support, noting that it not only "tells me a lot about the person before me," but "also tells me a lot about the safety net that that person will have when they get out of prison, and that's important too to prevent recidivism." Sent. Tr. at 7. After Mr. Jimenez spoke about the important lessons he had learned following his arrest, his hopes for the future, and his deep regret about his actions, the Court commented:

I will say that I appreciate you making that statement. I found it to be heartfelt, and I genuinely believe that you are remorseful. I don't always say that, but I firmly believe that to be true.

Sent. Tr. at 10-12.

The Court sentenced Mr. Jimenez to 24 months in prison – well below the advisory guidelines range – and 5 years of supervised release. It told Mr. Jimenez:

What's going to define you is what you choose to do with yourself and your life going forward. I'm glad that, based on what you said today, you realize the severity of your conduct and that you've learned a lot of lessons even from the short time that you've been incarcerated to date. Lessons, among other things, about how much your friends and family care about you and how much your conduct can affect you and your life and them as well. As I said, I read all the letters submitted that describe you as caring and responsible and hard working and charismatic and kind and helpful and humble, and many of them talked about how you cared for your mother. It gave me a real sense of who you are.

So you have all these people, and I hope that when you get back out you remember how you feel at this moment so that you don't make an error in judgment like you did before, and I wish you luck with that.

Sent. Tr. at 18-19.

Mr. Jimenez immediately set out to prove to the Court what he had said at sentencing: that he had changed and grown as a result of this arrest. Despite nearly half his time in prison being spent under COVID-19 lockdowns, Mr. Jimenez managed to complete vocational and educational programs. Although he was not incarcerated long enough to participate in RDAP, he completed the BOP's Drug Education Course. Ex. C.

Upon his release, Mr. Jimenez briefly resided in a halfway house before beginning supervised release. For over 2½ years now, his compliance with the terms of his supervision has been impeccable. He has had no violations, and Probation currently has him on the low intensity caseload, with a minimal, monthly online reporting requirement.

But Mr. Jimenez has done more than simply comply with the technical aspects of his supervised release. He has used the resources Probation has provided him to thrive, and taken the steps necessary to avoid future recidivism. For instance, shortly after his release, Mr. Jimenez enrolled in an outpatient drug treatment program at Samaritan Harlem, which he successfully completed in 2021. Ex. D. Mr. Jimenez has also worked consistently since his release; he is currently employed both as an Uber driver and as a shopper for an online grocery company. Ex. E.

Mr. Jimenez has, moreover, retained the unwavering support of his family. He currently lives with his mother, aunt, godmother, and niece. In accompanying letters of support, his family emphasizes the profound changes they have seen in Mr. Jimenez since his release from prison. His mother notes that he is a more reflective and mature person, who now has a focus on achieving the goals and dreams he has set for himself. Ex. B (Letter from Maria Rodriguez). According to his aunt, Fatima Aracena, Mr. Jimenez "is more focused, dedicated and especially more hardworking." Ex. B (Letter from Fatima Aracena). His godmother, Dilenia Aracena, describes Mr. Jimenez as "a completely new man" who "really wants to work towards the future and show his family his potential as a son, as a brother, as an uncle, as a member of an honest family." Ex. B (Letter from Dilenia Aracena). Both his aunt and his fiancée emphasize Mr. Jimenez's devotion to his niece, whom he helps with homework, gives advice, picks up from school, and treats "as if she were his little sister." Ex. B (Letters from Fatima Aracena and Kassandra Garcia).

And Mr. Jimenez has set dreams for the future. As he explains in his accompanying letter, he credits his probation officers with helping him to grow and "to think about my actions so that I can make better decisions without negatively affecting anyone." Ex. A. Mr. Jimenez dreams of opening a car dealership, and has been taking online courses to earn his real estate license. He has also learned the importance of only surrounding himself "with positive people who have a purpose in life and who guide me towards a better path." Ex. A.

One of those positive influences is his fiancée, Kassandra, whom he met shortly after his release from prison. Kassandra recently got a job as a speech pathologist in Florida, and Mr. Jimenez has "worked really hard to maintain [their] relationship afloat, despite the long distance." Ex. B (Letter from Kassandra Garcia). He drove Kassandra's belongings to Florida, helped her to rent an apartment there, and has been visiting her every other month, an arrangement that is not only emotionally taxing but also financially difficult. With early termination of his supervised release, Mr. Jimenez hopes to be able to relocate to Florida permanently so he can move in with Kassandra full time, and together "build a beautiful home and start a family." Ex. A.

Mr. Jimenez is, in short, an ideal candidate for early termination – a conclusion supported by the fact that neither Probation nor the government objects to this motion. He has performed extraordinarily well on supervised release for over 2½ years, maintained steady employment, completed a drug treatment program, continued his education, become engaged to a loving woman with a successful career, and strengthened his already remarkable family ties. He does not have a lengthy criminal record, his offense involved no violence, he accepted responsibility for his actions, and those who know him best – his close family – uniformly attest that he has profoundly changed. Supervision is no longer necessary for either Mr. Jimenez’s own rehabilitation or the protection of the community, to which he poses no danger.

* * *

“The goal of supervised release is ‘to ease the defendant’s transition into the community after the service of a long prison term for a particularly serious offense, or to provide rehabilitation to a defendant who has spent a fairly short period in prison for punishment or other purposes but still needs supervision and training programs after release.’” Johnson v. United States, 529 U.S. 694, 709 (2000) (citing S. Rep. No. 98-225, p. 124 (1983)). Mr. Jimenez has successfully transitioned back into the community, and early termination of his supervised release would serve the interest of justice. The Court therefore order early termination of Mr. Jimenez’s supervised release.

Sincerely,



Michael Arthus
Assistant Federal Defender
212-417-8760

cc. (by ECF): AUSA Adam Hobson
(by email): Probation Services Technician Brittany Valentine

EXHIBIT A

Honorable Judge Abrams,

Respectfully, I am writing to you to ask for the opportunity to terminate my supervision earlier.

My name is Albert Jimenez Gonzalez and I am 30 years old. I live in New York City together with my mother, godmother and my aunt. In 2019, I was given a two-year sentence and five years of parole. I have now been under supervision for over two and a half years with good behavior.

Being under supervision has helped me to mature and become a new and reformed person. While it has not been easy to be in this program I received a lot of help especially from my supervisors who made sure that everything is going well with me. This program has also help me to grow as a person and to think about my actions so that I can make better decision without negatively affecting anyone.

Throughout the time that I have been under supervision I have been working hard to achieve my dreams and change my ways. I learned to surround myself with positive people who have a purpose in life and who guide me towards a better path.

I am asking you to consider terminating my supervision because I have many plans for the future and want to show my family that there have been very efficient changes in me. One of my main plans after I finish supervision is to move to Florida together with my wonderful fiancée with whom I have been trying to build a beautiful home and start a family.

My main objective is to continue to grow personally and financially. One of my goals is to soon open my own automobile sales business while I continue taking my classes on real estate. My other goal is to continue to learn more about the topic so when the right time comes I would be able to apply my knowledge, and some day help my mother when she retires because she has always been devoted to me. My mother has been by

my side during the best and worst moments of my life and my goal is to help her like she has helped me. One day I would also like to form my own family and take on the responsibility of a home.

Judge Abrams, again thank you for being so considerate of me on the day of my sentencing, and thank you for reading this letter I wrote with the utmost respect. I hope you understand my petition and consider giving me this opportunity.

Sincerely,

Albert Jimenez Gonzalez

EXHIBIT B

Dear Judge Ronnie Abrams;

Through this letter I want to tell you about Albert Jimenez's growth since his arrest. I met 2 and a half years ago, when he had recently began his supervised released. My name is Kassandra Garcia, and I am Albert's girlfriend. I currently live in Fort Lauderdale, Florida, where I work as a speech pathologist.

Throughout the time of our relationship, I have learned Albert is an extremely hard-working man. He is very family oriented and tries his best at whatever he does. He is very responsible, always keeping his word, even with the slightest things, and always following the rules placed on him by the court.

Albert has always been a supportive, respectful and generous partner to me. He fully supported me when I moved out of NYC to Florida. During the move, he asked for time off from work so he could drive me to Florida with all of my stuff, so I wouldn't have to pay for movers. He follows me and helps me grow. He has worked really hard to maintain our relationship afloat, despite the long distance of NYC to Florida. We hope that following his early release, he can move to Florida, so the distance won't be as hard in our relationship.

Albert is the main support in his family. He helps his family with the bills. He's an amazing uncle with his nieces. If they need someone to step in last minute, he will always go pick them up from daycare or school. He's always calling the girls, checking in on them. He makes monthly trips to Florida to see me, and wants to find a stable job here once he moves.

During our time together in Florida, I can see how much Albert wants to continue to grow. I get to see his strong work ethic and his playful, respectful, and kind manner towards me that makes me appreciate him more and more each day. I've also seen him do great on release. One time, we went on vacation to Jamaica. There were storms and mudslides, so our flight got delayed. Before he even called his mom, he called his probation officer to make sure they knew he would be late.

Our hope is that, with the end of his supervised release, Albert can make his final move to Florida, so he can find a full-time, stable job and we can begin to work on building a family and a home of our own.

Sincerely,
Kassandra

Honorable Judge Abrams,

Respectfully, I am writing this letter to address you. I hope you and your family are doing well.

My name is Maria Rodriguez, Albert Jimenez's mother. I raised him from the time he was born.

First, I want to thank you for being so kind to Albert on sentencing day, by giving him only 24 months.

As any mother would, I also suffered a lot through this process, but thank God, the time went by very fast. However the best of all is that my son Albert is back, more mature than before having a goal, a purpose for his future.

Albert has changed dramatically after his incarceration. I noticed that he focuses more on his goals and that he wants to surpass himself, personally and financially.

I believe that the time he spent in jail made him reflect and mature as a person; in truth, time was not wasted because he learned to value family and many other things.

I was surprised with how much Albert has changed. I see how much effort he puts in every day to continue moving forward. He is very excited about having his own family. More than two and a half years have passed and he has not had any problems with the probation officers; they have very good communication above all.

Judge Abrams, I think it is time to grant Albert full release from his parole. He is working hard to be able to succeed and fulfill his dreams. It is time for him to continue to work towards his future.

Respectfully, please, you must give Albert this opportunity, because his behavior has been exemplary.

With these words, I say good-bye, and please, I hope you consider this request because it would really help Albert very much.

Sincerely,

Maria Rodriguez

Honorable Judge Abrams,

My name is Fatima Betsaida Aracena, I am Albert Jimenez' aunt. My occupations are Home Attendant and a Janitor cleaning offices.

I have been living with Albert in New York City for over five years approximately; however, in the Dominican Republic, he grew up by my side from the time he was born. Ever since he was little Albert was a clever and intelligent boy, above all very respectful; he had a good upbringing. As a child, he liked to help others always, and was very attentive.

Albert is a young man who has a special place in the family because he is always happy regardless of the circumstances. He brings his smile to each member of the family.

Albert is the man of the house and he does all the chores a man does in the home.

After Albert was incarcerated I had the opportunity to speak with him many times and I noticed a big change in his personality. Now I see a young man who is more focused, dedicated and especially more hardworking. I have noticed a big change in him and I am very pleased to see him like that, so focused on what he wants.

One of the things that moves me the most is that he treats my daughter as if she were his little sister, taking care of her, giving her advice, helping her with homework and providing an example to be followed.

From what I have seen and what he has showed me, I personally feel he is someone who knew how to use his time productively to make a change for the better.

Your Honor, respectfully, please consider Albert's request to terminate his supervision so that he can continue to work very hard in achieving the goals that he set for himself. It has been over two and half years of good behavior without any incident, and I think it is time that you may decide to grant him release from parole.

Thank you.

Honorable Judge Abrams,

I write to you very respectfully. My name is Dilenia Aracena, Alberto Jimenez' godmother and his aunt.

Albert, to me, is like the son I never had. I saw him at birth and I saw him grow up. In the Dominican Republic, the place where we are from, we as a family provided him with an excellent upbringing and education, and he proved it because he was a good student and above all a good human being. From the time he was a child, he liked to help people expecting nothing in return.

When he arrived in the United States, he continued his studies up to University but he had to stop because he had to work. I want to bring up something else, and that is that Albert is very hard working, very dedicated to his work. Even at his age, Albert is the man of the house; he always does the heavier chores in the house and above all, he protects us at home and anywhere.

I noticed that after his incarceration, Albert has matured and become a completely new man. He really wants to work towards the future and show his family his potential as a son, as a brother, as an uncle, as a member of an honest family. I myself feel that it is time that he is granted full release from his supervision.

Judge Abrams, please give Albert one last opportunity to continue to pursue his dreams. He completed two and half years of his five years without any kind of problems. The decision is in your hands Honorable Judge Abrams, but please take into consideration that Albert Jimenez has changed immensely for the better after his incarceration.

I say good-bye now, and I leave Albert Jimenez's freedom in God's hands and yours.

Sincerely,

Dilenia Aracena

EXHIBIT C

Federal Bureau of Prisons

FCI-FTD Drug Education

Group 309

Certificate of Completion

JIMENEZ-GONZALEZ, ALBERT 76235-054

successfully completed all requirements
of the 12 hour US FBOP Drug Education Course.
He learned the effects of psycho-active drugs on his mind,
body, and spirit. He learned the profound negative effects of
drug abuse and addiction for himself, his family, friends,
work place, and community. He passed a comprehensive
exam covering the impact of alcohol and drug use and may
take pride in a job well done.


David J Kelly
Drug Treatment Specialist
FCI-FTD, NJ
25 Nov – 23 Dec 2019

EXHIBIT D

CERTIFICATE OF ACHIEVEMENT

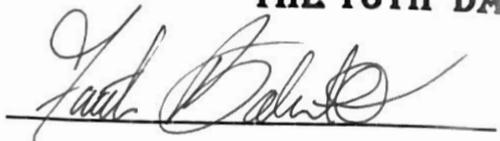
THIS CERTIFICATE IS PRESENTED TO

ALBERT JIMINEZ-GONZALEZ

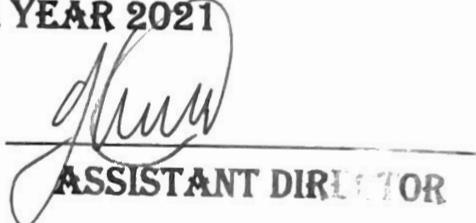
FOR COMPLETION OF OUTPATIENT SERVICES

AT SAMARITAN HARLEM OUTPATIENT
TREATMENT PROGRAM

IN WITNESS WHEREOF, WE HAVE CAUSED THIS CERTIFICATE TO BE SIGNED
THE 13TH DAY OF JULY IN THE YEAR 2021



COUNSELOR



ASSISTANT DIRECTOR

EXHIBIT E



Pay statement



Shipt Inc.
17 20th St. N. Suite 100
Birmingham, AL 35203

Shopper name	Albert Jimenez gonzalez
Shopper ID	[REDACTED]
Payment period	06/05/2023 - 06/11/2023
Gross earnings	\$1493.65
Deductions	\$0.00
Net earnings	\$1493.65

Weekly Statement
Jul 10, 2023 4 AM - Jul 17, 2023 4 AM

Albert Jimenez Gonzalez



Weekly Summary

Starting balance at Mon, Jul 10, 4:00 AM \$0.00**Your earnings** \$1,036.23

For details, see: Breakdown of Your earnings

Refunds & Expenses \$41.27

For details, see: Breakdown of Refunds & Expenses

Events from previous weeks \$0.00

For details, see the 'Previous weeks' sections

Payouts \$1,077.50

This amount was withdrawn from your balance

Transferred to your bank account on Fri, Jul 14, 9:46 PM \$1,022.40

Transferred to your bank account on Mon, Jul 17, 12:07 AM \$55.10

Ending balance at Mon, Jul 17, 4:00 AM \$0.00